

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

United States of America
ex rel. ALEX DOE, Relator,

The State of Texas
ex rel. ALEX DOE, Relator,

The State of Louisiana

ex rel. ALEX DOE, Relator,

Plaintiffs,

v.

Planned Parenthood Federation of America,
Inc., Planned Parenthood Gulf Coast, Inc.,
Planned Parenthood of Greater Texas, Inc.,
Planned Parenthood South Texas, Inc.,
Planned Parenthood Cameron County, Inc.,
Planned Parenthood San Antonio, Inc.,

Defendants.

NO. 2:21-CV-22-Z

DEFENDANT PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.’S
MOTION TO FILE UNDER SEAL
EXHIBITS 2–8 OF THE BARROW-KLEIN DECLARATION

Pursuant to Paragraph 7 the Protective Order [DE 133], Defendant Planned Parenthood Federation of America, Inc. (“PPFA”) has moved for an order “to preserv[e] the designated status of [] disputed information” in PPFA’s first three document productions to Relator. *See* Mot. for Protective Order and for Clarification (the “Motion”) [DE 157]. As Exhibit D to the Motion, PPFA attached the Declaration of Vickie Jane Barrow-Klein (the “Declaration”), which references Exhibits 1 to 8 thereto. Exhibit 1 to the Declaration is a non-confidential list of Bates stamps for documents included in Exhibits 2–8 (the “Confidential Documents”), which was filed with the Motion. The Confidential Documents are the subject of the Motion. PPFA considers the

Confidential Documents to qualify for “Confidential” or “AEO” protection, as those terms are defined in the Motion and the Protective Order. The Confidential Documents are attached hereto. For the reasons explained in the Motion and the Declaration, PPFA respectfully requests that the Court order that the Confidential Documents be filed under seal.

Dated: August 31, 2022

O’MELVENY & MYERS LLP

/s/ Danny S. Ashby

DANNY S. ASHBY

Texas Bar No. 01370960

dashby@omm.com

JUSTIN R. CHAPA

Texas Bar No. 24074019

jchapa@omm.com

MEGAN R. WHISLER

Texas Bar No. 24079565

mwhisler@omm.com

2501 N. Harwood Street, Suite 1700

Dallas, Texas 75201

T: (972) 360-1900

F: (972) 360-1901

LEAH GODESKY (*pro hac vice*)

lgodesky@omm.com

1999 Avenue of the Stars, 8th Floor

Los Angeles, California 90067

T: (310) 553-6700

F: (310) 246-6779

BLACKBURN BROWN LLP

RYAN PATRICK BROWN

Texas Bar No. 24073967

brown@blackburnbrownlaw.com

1222 S. Fillmore St.

Amarillo, Texas 79101

T: (806) 371-8333

F: (806) 350-7716

*Attorneys for Defendant Planned Parenthood
Federation of America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2022, the foregoing document was electronically filed and served upon all parties and counsel of record via the Court's CM/ECF system.

/s/ Danny S. Ashby
Danny S. Ashby

CERTIFICATE OF CONFERENCE

I hereby certify that, between August 17 and August 30, 2022, and counsel for PPFA conferred with counsel for Relator regarding the confidentiality of the documents subject to the Motion for Protective Order and for Clarification. Although counsel for Relator did not comment on any specific document, counsel for Relator has challenged all designations for documents that do not contain PHI or PII, as those terms are defined in the Motion and the Protective Order. Relator therefore presumably does not believe that the subject documents should be maintained in confidence, as requested by this Motion to Seal.

/s/ Danny S. Ashby
Danny S. Ashby